



## **1997 Indiana Judicial Report**

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## Introduction

The 1997 Indiana Judicial Report is published by the Indiana Division of State Court Administration, an office of the Indiana Supreme Court, pursuant to Indiana Code 33-2.1-7-3. This report reflects an annual compilation of statistical data on the workload and related judicial functions of the Indiana judicial system. The period of time covered by this report is the calendar year 1997. Information is arranged in an Annual Report, an Executive Summary (Vol. I), Caseload Information (Vol. II), and a Fiscal Report (Vol. III). Data regarding the operations of the Indiana Supreme Court, the Indiana Court of Appeals and the Indiana Tax Court are also included.

The information published in this report was compiled from summary caseload reports submitted quarterly and summary fiscal reports submitted annually by the trial courts. The caseload reports of the Supreme Court, the Court of Appeals and the Tax Court were prepared by the administrative offices of those courts. The state level fiscal data was derived from the annual report of the Auditor of the State of Indiana.

This report is not intended to be an exact accounting of funds or a complete detailing of every judicial decision. It is based on summary data and is intended to present an overview of the workload and functioning of the Indiana judiciary. As such, it is intended to be used by trial judges in evaluating their performance and monitoring the caseloads in their respective courts, by trial judges and county councils in the budgeting process, by the General Assembly and its committees in their legislative enactments, by the Division of State Court Administration in its oversight of judicial administrative activities, and by the Indiana Supreme Court in meeting its supervisory responsibilities. Additionally, the information presented in this report is intended to provide a continuous factual basis for long-term judicial planning in the State of Indiana.

**Caseloads:** The 1997 caseload data indicates an increase in the number of cases disposed by Indiana's judges of courts of record and the city, town and Marion County Small Claims Courts. The data also indicates a significant increase in the new filings of the more complex case types. The largest increase in new case filing was in the JD - Juvenile Delinquency cases, with 22.4% more cases filed in 1997, followed by Protective Orders, which had a 15% increase, and Civil Plenary Cases, with an 11% increase.

The overall number of new cases filed in Indiana during 1997, as compared to 1996, decreased by 1.8%. This statewide decrease is due solely to a significant drop in new IF-Infracton cases which dropped by 52,953 or 11% overall. Of this drop in new infracton cases approximately one-half, or 24,249 IF -infracton cases were reported in Marion County. The net result of a decrease in IF- Infracton cases, which take relatively little judicial time, and an increase in the more complex cases, such as juvenile and civil plenary, resulted in a significantly increased workload for Indiana's judges.

Data on the method of case disposition indicates that in criminal, infraction, and ordinance violation cases, as in the past, the most common methods of case disposition are by case dismissal (22.6% of cases filed), and by guilty plea/admission (22.2% of cases filed).

***Fiscal:*** The fiscal data indicates corresponding increases in expenditures and revenues generated through the operation of the courts.

The total amount of state, county and local expenditures on the appellate, trial and minor courts increased by 8.5%, while the revenues generated through the operation of the courts increased 6.5%.

During the reporting period, a total of \$122,899,356 was generated through the operation of all the courts. Of that amount, 49% went to state level funds, 43% to county level funds and 8% to local level funds. However, the amounts designated for general funds which are the source of funding for the courts were significantly less, with 41% of the total going to the state general fund, 19% going to county general funds and 7% going to local general funds. Of the total costs and fees collected, \$31,370,965 or 26% was directed to special programs and funds not related to court operations.

## **Division of State Court Administration Annual Report**

The Division of State Court Administration assists the Indiana Supreme Court in the administration and management of Indiana's judicial system. The Division was established by statute, Indiana Code § 33-2.1-7-1, and is under the direct authority of the Chief Justice. Duties of the Division are assigned by the Supreme Court and the General Assembly. Following are some of the activities in which the office was involved.

Indiana Conference for Legal Education Opportunity (CLEO). During 1997 the Indiana legislature established the nation's first state sponsored Conference for Legal Education Opportunity (CLEO) and directed that the Division administer the operation under the leadership of the Chief Justice. The goal of this program is to increase the number of minority and other disadvantaged students in Indiana's law schools. The program is patterned after the well-known national CLEO program. It provides an intensive summer institute for selected prospective Indiana law school students and provides monetary stipends to those who successfully complete the institute and pursue a legal education in an Indiana law school. The Division staff worked closely with the four Indiana law schools to develop, stage, and complete the first summer institute which graduated 29 CLEO fellows who embarked on legal educations in Indiana.

Civil Legal Aid Fund. Another noteworthy 1997 development was the establishment of a new program, to be administered by the Division, for the purpose of providing legal assistance in civil cases to Indiana's indigent citizens. A Civil Legal Aid Fund of one million dollars per year was established for this purpose. During the first year of operation, the Division developed the structure for this new program and made the first distributions to eleven organizations providing civil legal aid services to Indiana's poor.

Implementation of Weighted Caseload Measures. The Division staff had participated in a two-year study spearheaded by the Judicial Administration Committee of the Indiana Judicial Conference which, in 1996, culminated in the publication of a comprehensive set of weighted caseload measure standards for Indiana's trial courts. At the committee's recommendation, in 1997, the Division undertook the administration and periodic review of this project. Division staff will be assisting the Supreme Court in evaluating the distribution of workload among Indiana's courts based upon the weighted caseload study.

Court Improvement Grant. The Indiana Supreme Court, through its Court Improvement Executive and Advisory Committees and with the benefit of federal funds, launched a project for improving the way courts manage the cases of abused and neglected children. The Division serves as the project director and fiscal administrator of the program. The project potentially could span more than four years and involve in excess of \$700,000 of grant funds. Although the purpose and overall framework of this project are set by the U.S. Department of Health and Human Services (HHS) and the American Bar Association (ABA) Center on Children and the Law, the direction and breadth of issues

addressed by the Indiana program have been guided by the Indiana Supreme Court, members of its committees, and in large measure by the input of key players and primary participants in the child welfare process. The first phase of this program involved a comprehensive study of the role, responsibilities, and effectiveness of the state's judicial system in handling child abuse and neglect cases. The Phase I Report, approved in 1997, identified several areas of particular concern and recommended expediting Children in Need of Services (CHINS) cases, expanding Court Appointed Special Advocate (CASA) programs, using early-intervention programs in reaching at-risk families, developing "wrap-around" programs, initiating therapeutic foster home programs, developing tutoring and outreach programs, and developing relationships with local media.

In Phase II of this project, the Division staff, under the guidance of the Executive Committee, began implementing a subgrant program allowing various entities within the counties to initiate pilot programs implementing the recommendations of the Phase I report. To date, the Executive Committee has approved nineteen subgrant programs.

AIMS. During 1997, the Division completed the second phase of a project designed to establish automation standards for Indiana's trial courts. The project, Automated Information Management System (AIMS), was funded through a grant from the Criminal Justice Institute. The Division assembled an oversight committee of prospective users, employed a project consultant, and identified existing systems and applications. Representatives from the judiciary, clerks, prosecuting attorneys, administrators, the State Board of Accounts, the State Police, the Bureau of Motor Vehicles, and other user groups served on the oversight committee. The end result was the design of a prototype for automated case management with model computer data entry screens. In June the preliminary system design and all prototype source file materials were deployed on the Internet through the Supreme Court's Home Page, via Access Indiana. The Division issued a "Request for Information (RFI)" directed to all interested vendors and parties and sought feedback on specific plans for further development of the prototype. At this time, one private vendor is actively pursuing developing the AIMS prototype into an Indiana case management system. Several other vendors with judicial case management products have shown considerable interest in modifying their systems to comply with AIMS. Division staff continues to review and assess the development of these systems for compliance with the AIMS standards.

Statistics. Under Indiana Code § 33-2.1-7-3 and Administrative Rules 1 and 2, the Division must collect and publish information on the workload and fiscal activities of all judicial and probation offices in the state. The data is published in two annual reports, The Indiana Judicial Report and The Indiana Probation Report. These documents are the empirical information base for judicial policy decisions by the Indiana General Assembly and the Indiana Supreme Court. Projections for 1997 caseload data indicate approximately 1.5 million new cases being filed in Indiana's courts.

Legal Responsibilities. The majority of the legal responsibilities of the Division staff are assigned by the Supreme Court and the Chief Justice. The Division legal staff serves as counsel to the Supreme Court in all matters involving attorney discipline and all requests for the appointment of special judges, special masters, and senior judges. In 1997, Division legal staff assisted the Supreme Court in disposing of seventy-five disciplinary matters and three contempt matters. Of those, thirty-six were disposed by per curiam opinions, ten by administrative admonitions, and the remainder by orders. As part of this disciplinary function, Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission, as well as requests for review of decisions by the Disciplinary Commission and the Indiana Commission on Judicial Qualifications.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances. The Division maintains and monitors all local rules establishing plans for special judge selection, and reviews and processes requests for the appointments of special judges by the Supreme Court. In 1997, 145 new requests for special judge appointments were reviewed.

Recognizing the administrative and managerial responsibilities of trial judges, the Supreme Court directed the Division to develop a program for advising and assisting judges on employment related issues. Since 1996, Division legal staff has provided advice and assistance on issues relating to the Americans With Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and Fourteenth Amendment equal protection. Also, in 1997, Division staff prepared and made available a "model employee handbook" for use by courts, and reviewed eleven court policy manuals.

Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure. The Division staff also serves as secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court. For the first time in 1997, new rule amendments were deployed on the Internet.

Judicial Qualifications/Nominating Commission. Pursuant to Indiana Code 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Judicial Qualifications Commission and the Indiana Judicial Nominating Commission in the performance of their statutory and constitutional functions. The Commission reports separately regarding the nominating and disciplinary process. As part of this function, Division staff distributes, collects, and processes all Statements of Economic Interests submitted by judges and prosecuting attorneys.

Automation. The Division staff provides automation support services to the Supreme Court, its agencies, the Clerk of the Supreme Court, the Court of Appeals, and the Tax Court. In 1997, Division staff made great strides in assuring that the appellate judiciary will face the year 2000 without major computer system problems. Over eighty percent of

the custom software written by Division staff was reviewed and modified when necessary to accommodate four digit years. In a major upgrade of hardware, Division staff replaced ninety percent of the PC units with Pentium class machines. As part of its automation duties, the Division embarked onto the information super highway by deploying the information available through this office on the Internet and assisting the Supreme Court in deploying the Court's docket, opinions, rule amendments and other important information on the Court's home page.

**Senior Judge Program.** In 1989, the General Assembly enacted legislation allowing the Indiana Supreme Court to utilize the services of former judges who have been certified as senior judges by the Indiana Judicial Nominating Commission. The senior judge program, small at first, has grown into an invaluable resource of seasoned judicial talent at a minimal cost. The Division administers all aspects of the program, starting with certification by the Judicial Nominating Commission, processing of requests for appointments by the Supreme Court, and administration of payroll and benefits for the participants. During 1997, fifty-six former judges were certified as senior judges, and 277 requests for senior judge appointments to specific courts were processed.

**Payroll.** The Division administers the payroll and benefit program for all state trial court judges, prosecuting attorneys, and other judicial officials paid by state funds. The annual payroll account for this purpose approaches \$40,000,000 and covers over six hundred individuals. Also, as part of the paymaster function, the Division processes and pays all claims for special and senior judge services in Indiana.

**Information Management.** Statutory provisions direct the Division to examine the administrative and business methods and systems employed in the courts, and to make recommendation for improvement. As part of this endeavor, Division staff provides on-site assistance to courts and clerks in streamlining, defining, and improving their record generating and maintenance systems. In 1997, Division staff traveled to twenty-eight counties for a total of forty-seven visits. The visits included review of microfilming programs for compliance with state standards, review of document imaging systems, and implementation of the record retention schedule. In 1997, the staff assisted nine counties in discarding the equivalent of approximately 650 four-drawer legal size file cabinets. In Delaware County alone, the disposal of dismissed cases freed up some thirty file cabinets of unnecessary paperwork. Two other notable record "clean-outs" were conducted in Lake and Vigo Counties. In each of these, useless paper amounting to the equivalent of 250 four-drawer file cabinets was discarded.

**Publications.** Through its newsletter, The Indiana Court Times, the Division maintains a vital communication link with the trial courts and their staff. The newsletter is a quarterly publication disseminated to over two thousand entities. In 1997, a number of substantial rule changes, legislative enactments, administrative policies and other court news was communicated to the judicial community.

**Protective Orders.** In carrying out another legislatively assigned duty, the Division prescribes the forms used in protective order proceedings. Statistics from recent years

indicate a substantial increase in the filing of such proceedings as more litigants avail themselves of this remedy. In furtherance of this duty, Division staff participated in a national Full Faith and Credit conference intended to bolster intrastate interaction and response to protective orders.

Indiana Office of GAL/CASA. As part of the Division of State Court Administration, the General Assembly established an office of Guardian Ad Litem/Court Appointed Special Advocate (GAL/CASA) in 1989, to provide partial state funding and to assist local courts in providing services to victims of child abuse and neglect. During 1997, seventy-nine counties received funds from the GAL/CASA state appropriation. Also during 1997, the staff monitored the implementation of a Code of Ethics and Program Standards and conducted site visits to local programs seeking certification of compliance with the code. There are now seventeen programs that have been certified as complying with the code. Staff organized and implemented six "regional directors' meetings" which provided continuing education for local CASA directors. Satellite training for CASA volunteers and local program staff was held in cooperation with the National CASA Association at five Indiana sites. In November, Division staff was instrumental in the 1997 Indiana CASA Conference attended by two hundred participants and offering twelve workshops.

Public Defender Commission. The General Assembly also has charged the Division to serve as staff of the Indiana Public Defender Commission which develops standards for pauper defense services and provides partial reimbursement to the counties for eligible indigent defense expenses. In 1997, \$779,209.32 was reimbursed to eight counties for fifty percent of the counties' defense expenses in capital cases, and \$878,743.44 was reimbursed to eight counties for twenty-five percent of their indigent defense expenses in non-capital cases. In 1997, the General Assembly expanded the amount of reimbursement for non-capital cases from twenty-five percent to forty percent, precipitating an active interest among the counties in complying with the established standards.